

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

SAMUEL CORY PURSLEY

v.

WARDEN, JOE CORLEY DENT. FAC

§
§
§
§
§

CIVIL ACTION NO. 5:22-CV-66-RWS-JBB

ORDER

Petitioner Samuel Cory Pursley, an inmate confined within the Bureau of Prisons, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Docket No. 1. The Court referred this matter to the Honorable J. Boone Baxter, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636.

Petitioner complains that the Bureau of Prisons has improperly calculated his sentence. Docket No. 1. On July 24, 2024, the Magistrate Judge entered a Report and Recommendation, recommending the petition be dismissed without prejudice for failure to exhaust administrative remedies. Docket No. 4.

A copy of this Report was sent to Petitioner at his last known address, but no objections have been received. The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the usual time and was actually received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Company of Canada*, 931 F.3d 412, 420–21 (5th Cir. 2019); *see also id.* at 421 n.9.

Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of the Magistrate Judge’s proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of*

Lewisville, Texas, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203- RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 4) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that this petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies.

So ORDERED and SIGNED this 4th day of September, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE